UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

CECILIA PERRY, as Plaintiff Ad Litem for)	
Christina Brooks, and D.B., D.B., D.B., and D.B.,)	
by and through their Next Friend,)	
CECILIA PERRY, on behalf of all)	
beneficiaries pursuant to Section 537.080,)	
Mo. Rev. Stat.,)	
)	
Plaintiffs,)	
v.)	No. 4:17CV981 RLW
)	
THE CITY OF ST. LOUIS, et al.,)	
)	
Defendants.)	

ORDER OF PARTIAL SUMMARY JUDGMENT

This matter is before the Court on the separate Motions for Summary Judgment filed by Defendants Kent Menning and Kevin Stevener (ECF No. 84), Defendants City of Jennings, City of Jennings Detention Center, Eugene Neal, Rick Crim, Demetrius Staples, Aykan Acikgoz, Kellye Still, Kyle Bashaw, and Yvette Harris (ECF No. 87), and Defendants City of St. Louis, Dale Glass, Lynn Page, Jermanda Adams, and Josh Hill (ECF No. 92). Plaintiffs concede in their responding memoranda that they do not oppose summary judgment in favor of Stevener, but they remain opposed to summary judgment in favor of Menning. (ECF No. 107, at 1 n.1) Plaintiffs also conceded they are not opposed to summary judgment in favor of Neal, Crim, Acikgoz, Still, Bashaw, and Harris, but they remain opposed to summary judgment in favor of City of Jennings and Staples. (ECF No. 110, at 1 n.1) Further, Plaintiffs concede they are not

¹ The Court notes Stevener requests judgment be entered at Plaintiffs' cost. (ECF No. 122, at 1) The Court will address any potential awards for costs, if necessary, at a later date.

² Plaintiffs concede in their Memorandum in Opposition to Defendant Menning's Motion for Summary Judgment (ECF No. 107, at 1) that "[t]he sole count against Defendant Menning, Count I of Plaintiff's complaint, is a state law negligence claim." Menning nevertheless spent much of his analysis arguing against elements of a claim under 42 U.S.C. § 1983 because, according to Menning, Plaintiffs' Petition alleges facts in an apparent attempt to establish a § 1983 against Menning. (ECF No. 122, at 1-2) Despite any potential ambiguity in the pleading, it is clear from the record that Plaintiffs are only pursuing a negligence claim against Menning.

opposed to summary judgment in favor of Page, Glass, and Hill, but they remain opposed to summary judgment in favor of City of St. Louis and Adams. (ECF No. 104, at 1 n. 1)

Accordingly,

IT IS HEREBY ORDERED that the separate Motions for Summary Judgment filed by defendants Kent Menning and Kevin Stevener (ECF No. 84), defendants City of Jennings, City of Jennings Detention Center, Eugene Neal, Rick Crim, Demetrius Staples, Aykan Acikgoz, Kellye Still, Kyle Bashaw, and Yvette Harris (ECF No. 87), and defendants City of St. Louis, Dale Glass, Lynn Page, Jermanda Adams, and Josh Hill (ECF No. 92) are GRANTED in part as to Defendants Acikgoz, Bashaw, Crim, Glass, Harris, Hill, Neal, Page, Stevener, and Still. Plaintiffs' claims against Defendants City of St. Louis, City of Jennings, Menning, Staples, and Adams remain pending. The Court will rule on the remaining claims and arguments presented in the motions for summary judgment and related memoranda in a subsequent memorandum and order.

IT IS FURTHER ORDERED that Plaintiffs' claims against Defendants Acikgoz, Bashaw, Crim, Glass, Harris, Hill, Neal, Page, Stevener, and Still are DISMISSED with prejudice.

Dated this 13th day of February, 2019.

Ronnie L. White

UNITED STATES DISTRICT JUDGE